

Austerity and human rights in Europe: perspectives and viewpoints from conferences in Brussels and Berlin 12 and 13 June 2013

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Austerity and Human Rights in Europe

Perspectives and Viewpoints from
Conferences in Brussels and Berlin
12 and 13 June 2013



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Imprint

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Editorial

By Michael Windfuhr

Dear Readers,

Over the last months and years, several European National Human Rights Institutions have documented how austerity measures affected the full enjoyment of human rights in their respective countries with regard to civil and political, as well as economic, social and cultural human rights. This task is not always easy because the methodological and analytical tools to make a connection between macroeconomic decision-making processes and human rights are still at an early stage. Furthermore, such analyses have not yet been carried out very often, mostly in the aftermaths of the debt crises in several Latin American countries in the 1980s and 1990s.

Given the importance of austerity measures in some European countries, the European Network of National Human Rights Institutions (ENNHRI) decided to bring representatives from NHRIs from the countries affected together to discuss the potential outcomes of austerity measures in the countries concerned, but also to discuss how the ENNHRI members might cooperate both in elaborating an appropriate human rights analysis of the policy measures chosen and in discussing how we can and should act together.

The ENNHRI organised two days of conferences in Berlin and Brussels in June 2013 to draw lessons from experience made in Greece, Ireland and Spain. In addition, the events provided a platform to discuss how economic policy making can follow human rights-based methods in such a way that human rights as norms and standards become guiding criteria that have to be considered in all areas of economic policy making, as well as in financial policy recommendations.

This publication is the documentation of these two events which provided highly interesting insights and concentrated discussions. We decided to publish both the analysis and the analytical discussions because we want to emphasise that human rights must be understood as a central element in the framework of macroeconomic policy advice.

This text is not written to challenge that the states affected need to act. All of them came into a crisis situation because they lost the confidence of financial markets and were forced to react. This text is written to stress that austerity policy needs to be designed in such a way that the implementation does not arbitrarily or disproportionately affect certain segments of the societies concerned. In contrast, human rights standards are supposed to guide the design of such policy measures. The examples show that some of the policy measures chosen have drastic consequences such as the exclusion of certain groups from access to health care even in emergency situations, for childbirths etc. We believe that policies must be designed to avoid any violations. Human rights obligations have to be accepted as guidance and support policies free of discrimination, concentrate policy support for individuals and vulnerable groups.

The panels show that we are in an area of mixed human rights responsibility. The national state where the people affected live is the essential guarantor of the obligation to protect all people from human rights violations. But as is often the case with austerity measures, the states affected are often forced to change certain policy measures directly so that the "advisors" (in case of austerity policy the EU troika, i.e. the EU Commission, the EU Central Bank) themselves have co-responsibilities for the outcome of policy choices.



At the international level, we are only beginning to frame and understand such co-responsibilities. The ENNHRI, however, focuses on the need to understand such connections better and to enter into a public debate how essential human rights standards can be better protected in the design of austerity and other policy measures in the future.

Our documentation starts with presenting the findings of the country case studies. With respect to each country we present the findings of a scientific study or analysis and combine them with the perspective of the respective national human rights institution. In the second part you will find articles that show how to make the best connection between human rights and economic policy making. The documentation ends with a summary of the discussions during the two workshops in Berlin and Brussels. The workshops initiated very interesting debates and highlighted many different aspects.

With the publication of this documentation we wish to set the stage for an in-depth discussion on defining a human rights-based or human rights sensitive approach to economic policy making. The ENNHRI will continue this debate and soon follow-up with additional inputs, workshops and policy proposals.

As a European Network we would like to thank all those who contributed to the two workshops and we invite all of you to comment on this documentation. Please send comments, reactions, proposal for further exchange etc. directly to

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Austerity and Human Rights – Introduction

By Alan Miller



It gives me much pleasure to introduce you to this report on significant meetings on "Austerity and Human Rights" which took place recently in Berlin and Brussels.

I would like to thank the German Institute for Human Rights for taking this initiative and also to thank all participants including the Centre for Economic and Social Rights, Dr Cephas Lumina as UN Independent Expert on Foreign Debt, the European Commission and the Council of Europe, a number of NGOs, the Humboldt-Viadrina School of Governance and the Greek, Irish and Spanish national human rights institutions which are members of the European Network of National Human Rights Institutions.

The topic addressed was "austerity and human rights" as this has become a compelling issue within Europe and beyond. Drawing upon detailed analysis of the impact of austerity measures in Greece, Ireland and Spain discussion centred on the duties of states in times of austerity and also on the responsibilities of national human rights institutions.

Such duties of states include those under domestic, European and UN human rights legal obligations to ensure that minimum essential standards of human dignity are not breached in times of austerity, that maximum available resources are deployed to progressively realise the economic and social rights of populations and that priority is given to the most vulnerable.

Attention was also given to the role of the international financial institutions such as the European Central Bank and the International Monetary Fund as well as to the European Commission which together make up the "troika". Particular attention was given to the duties of states acting within and engaging with such institutions to be aware of their continuing human rights legal duties in times of financial crisis and recession. An example of this was demonstrated in the need for a human rights impact assessment to have been done before and during the design and implementation of austerity measures and their disproportionate impact upon the most vulnerable.

A focus was also placed on the responsibilities of national human rights institutions and the challenges faced by them as a result of reductions to their own budgets and capacities. Such responsibilities were seen to include empowering individuals and communities to know and claim their rights as well as to hold states accountable and assist them in understanding how to implement their human rights duties in times of austerity. It was also widely shared that the human rights, economic and public policy making, business and NGO communities needed to reach out to one another in developing a response to the financial crisis that was progressive and not regressive. Of necessity this should include the areas of state revenue raising, taxation and tax avoidance, budget analysis and distribution and reprioritisation of allocation of state resources and a shared understanding of the causes as well as the necessary responses to the financial crisis.

The European Network of National Human Rights Institutions, which has recently established a secretariat and office in Brussels, is committed to taking up such responsibilities and challenges and looks forward to cooperating with you.

The author is Chair of the European Network of National Human Rights Institutions and Chair of the Scottish Human Rights Commission.

The Impact of Austerity Measures on the Realisation of Human Rights

Three Case Studies · Summary by David Poyser

Case Study: Greece

Chaired by Professor Alan Miller

Dr. Cephas Lumina, the UN independent expert on the effects of foreign debt and other related international obligations of States on the full enjoyment of all Human Rights particularly economic, social and cultural rights, described a report on Greece that he had written for the UN.



He outlined his preliminary findings:

- Inequality is increasing, and many Greeks are now below the poverty line. Child poverty is a particular problem.
- The poor, immigrants, women and children have been hit by the Greek government's austerity. The Greek government has committed itself to losing 150,000 public sector jobs by 2015. Unemployment has gone up from 6.6 per cent before the crisis to the current level of 27 per cent.
- The situation in Greece is "serious". Most highly educated Greeks are leaving causing a 'brain drain'.
- Women are more likely to be unemployed (34.4 per cent) than men, and they are returning to unpaid work. According to the Greek National Ombudsman, there have been an increasing number of complaints relating to unfair dismissals due to pregnancy, indicating increased pressure on women to turn to unpaid work or the informal economy. This aggravates the inequalities.
- Undocumented migrants have no legal redress due to their fear of the authorities. A significant amount of the estimated 470,000 irregular migrants in Greece work in this sector, many in the agricultural sector. These individuals lack protection as they hardly have access to legal redress mechanisms due to fear of being detected by the authorities, then detained and ultimately deported. The shooting of 33 migrant workers at a strawberry farm in part of Greece known as Manolada as a result of a labour dispute underscores the gravity of the problem. (The shooting was swiftly condemned by the authorities and all major political parties, which he welcomed)
- Hospitals have admission fees that disproportionately hurt the poorest in society, and women. Births can cost 800 euro (or 1,600 euro for Caesarean births) and women can be kept in hospital if they cannot pay. Greece is the only eurozone country without a comprehensive social system. Greece also has difficulties with its social protection system. The new homeless are relatively well educated people, who were well off before the crisis.
- These measures have a social cost on the population. There has been a rise in extremist groups opposed to foreigners – 150 incidents of racist violence have been counted.
- Greece has assumed various international obligations through ratification of a number of core international and regional human rights treaties but some of the rights guaranteed in these legal instru-

ments, particularly socio-economic rights, are under threat or being undermined.

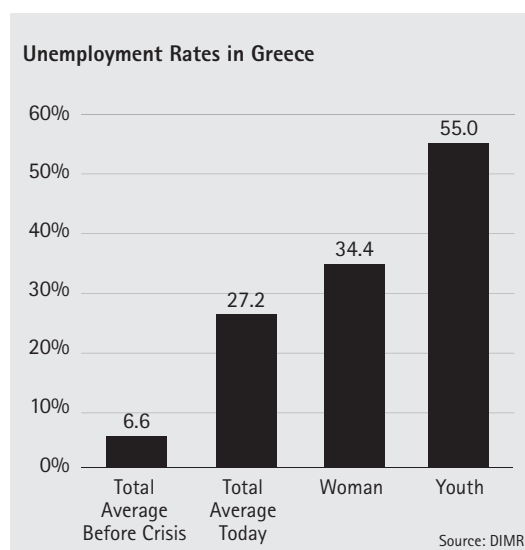
- The harsh pro-cyclical policies (austerity, labour reforms, liberalisation and privatisation) that the Government has been constrained to implement since May 2010 in return for the bailout financed by the troika had an effect on the rights to work, social security, healthcare and housing, as well as the issues of poverty, inequality and privatisation.
- According to his information, there has been an estimated 25 per cent increase in the country's homeless population since 2009, the total is estimated at least 20,000. A new form of homelessness has emerged of relatively well educated people who find themselves in this situation due to financial problems and inability to afford rent. He pointed out that adequate housing is not only a right guaranteed in the Greek Constitution and the international human rights treaties ratified by Greece; it is also an important guarantor of human dignity.
- Greece remains the only country in the eurozone where a comprehensive social assistance scheme serving as a social safety net of last resort is missing. Unemployment benefits run out after 12 months, which results in the loss of health insurance cover. Due to the rise in long term unemployment, only about 160,000 persons receive these benefits.

He said that his report will make a number of recommendations, including that human rights should 'inform the design of the government's austerity measures'.

He welcomed the pilot programmes introduced by the Greek Government and the troika to extend unemployment benefits. He noted, however, that these payments are limited to 200 euro per month and are significantly below the poverty line. Given the magnitude of the crisis, the 55 million euro funding for both schemes he felt was inadequate.

The ostensible aim of the austerity measures, he said, was to reduce the fiscal deficit, reduce labour costs and make the economy competitive. However, the evidence available indicated that the 'excessively rigid' measures had resulted in the contraction of the economy as well as significant social costs to the population.

In compiling his report, Dr. Lumina visited the homeless in support centres run by charities, as well as benefitting from discussions with a range of experts. This included senior Government officials, members of Parliament (including the main opposition party, Syriza), representatives from the Bank of Greece, the International Monetary Fund, the European Commission and the United Nations High Commissioner for Refugees in Greece, academics and civil society organisations.



The NHRI perspective

Konstantinos Papaioannou, Chair of the Greek National Commission for Human Rights, reiterated and emphasised the contribution made by Cephas Lumina.



There was a new reality in Southern Europe, he said. He did not wish to discuss whether Greek society 'deserved' this austerity. The stereotype of 'lazy southern Europe' has led to distrust, he felt. The sudden closure of the Greek public broadcaster had led to a major strike on the day of the Conference.

He said that in Western Europe since the Second World War, people working in human rights had had the luxury of dealing basically with what was commonly considered to be "first class rights" – both civil and political rights. During the last three or four years, in the European South, human rights had become more closely attached to social and economic rights. The Greek National Commission for Human Rights has itself been hit by drastic cuts. He listed some of the effects of the austerity measures that impinge on human rights:

- Employment levels have gone right back to the sixties. Youth unemployment is currently at 55 per cent.
- The gender gap has also widened. The austerity burden disproportionately affects young workers below poverty line. In contrast, well-educated young people leave Greece.
- The disabled and mental health services have suffered disproportionately.
- Free collective bargaining by trade unions is on its way out.
- In the last three years, police violence has been on the increase, notably an excessive use of force on demonstrators. The police behave with impunity. There are now allegations of torture while people are held in custody.
- Nearly 36 per cent of Greek citizens live in poverty and social exclusion, and one third of them now live in extreme poverty.
- Rapidly increasing malnutrition among schoolchildren has compelled the Ministry of Education to announce a pilot free meal coupon project in schools at districts that are hardest hit by the economic crisis, and unemployment in particular.
- Austerity has led to distrust in public representation. There is a general feeling that political power does not lie in parliament. Austerity measures are often retrogressive, so people lose confidence in the honesty of governments.
- The new racist political party, Golden Dawn, has 18 seats in the Greek parliament. It has doubled its power within a year. It is violent, anti-Semitic and racist. It victimises migrants and the Roma community.

Emphasising the previous speaker's points, Papaioannou said the austerity burden was allocated inequitably. Each time Greece failed to attain troika benchmarks, it resorted to wage and pension cuts and tax hikes that disproportionately affect pensioner and salaried taxpayers who account 72 per cent of taxes collected. The total wages and salaries cost has declined by more than 30 per cent since 2009. The national minimum wage that was the last protective step for low-paid workers has been cut by 22 per cent and by 32 per cent for young workers, which is below poverty line. Pensions have been dramatically cut and social benefits and welfare spending is decreased by 50 per cent.

Major political parties encounter serious difficulties when faced with anti-immigrant feelings, he said. In order to minimize this flow towards the extreme right they often adopted part of its agenda. The latter is also an issue that creates a general anti-European feeling, since the biggest part of the population feels that the lack of migration 'burden sharing' shows lack of European solidarity towards the South. The European Union is not perceived as a support in the creation of social progress among the peoples of Europe. The austerity measures violate the Social Charter. The Human Rights Commission have called on the Greek government to safeguard social security. Human Rights should be adopted as a feature of policy-making in this area, he said.

Papioannou continued by saying that there was no way out of the socio-economic and political crisis which plagued Europe as a whole, if fundamental civil liberties and social rights were not guaranteed. He believes "immediate joint mobilisation of all European forces is required if it is to save the values on which the European civilization is founded." He reminded the audience that the EU "is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the peoples of Europe, as is emphasised in the Preamble to the Treaty."

Case Study: Spain

Parallel report with respect to Spain and discussion in the UN Committee on ESC rights

Chaired by Professor Alan Miller

Ignacio Saiz, Executive Director of the Center for Economic and Social Rights in the US, said that he would give the view of an NGO (non-Governmental Organisation) not an NHRI (National Human Rights Institution). The CESR itself has been a casualty of the crisis.

Austerity measures date back to 2010. In early 2012, Amnesty International, the European Anti-Poverty Network, Roma representative groups, Women's rights groups, LGBT groups and others created a shadow group to write a report on the effect of the austerity measures on Human Rights. Tax experts and progressive economists also participated in the group.

The situation in Spain (and in other countries too) is similar to the situation outlined in Greece, the first case history of the conference. Saiz listed some of the social effects of the austerity in Spain. The austerity measures have included social spending cuts, public sector salary cuts, and selected tax increases. This meant Spain had the highest unemployment rate in Europe in 2012 (27 per cent). One in ten households had no income earners. One in four workers was on temporary contracts, according to Saiz.

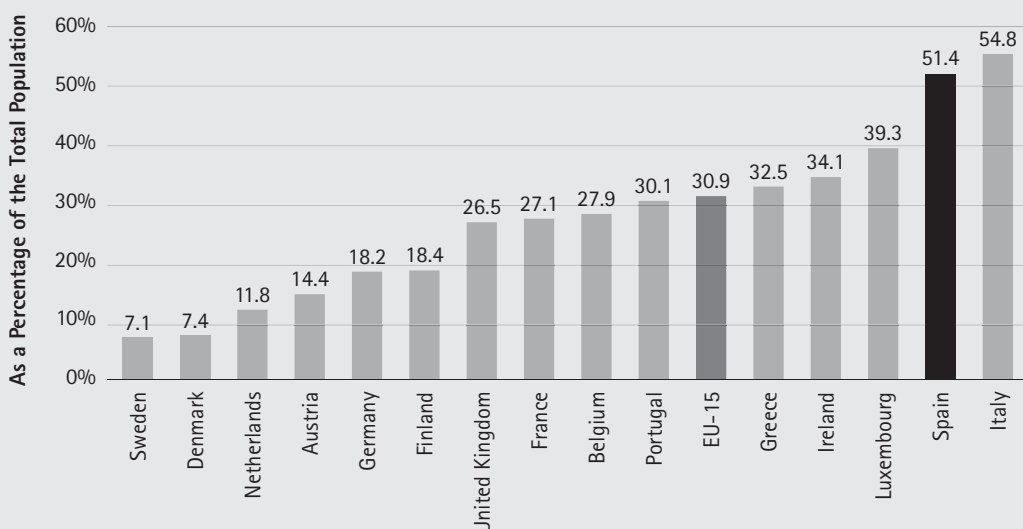
He said that while a human right to housing exists, about 50 per cent of the Spanish population paid a disproportionately high share of their incomes on housing. Evictions of those unable to pay their rents are not uncommon.

Poverty in Spain had escalated since 2008, he continued. A quarter of the population are currently 'at risk' of poverty. Particularly affected are children and the working poor. Women, especially over 65, face disproportionate problems. Austerity measures have also created geographical disparities.

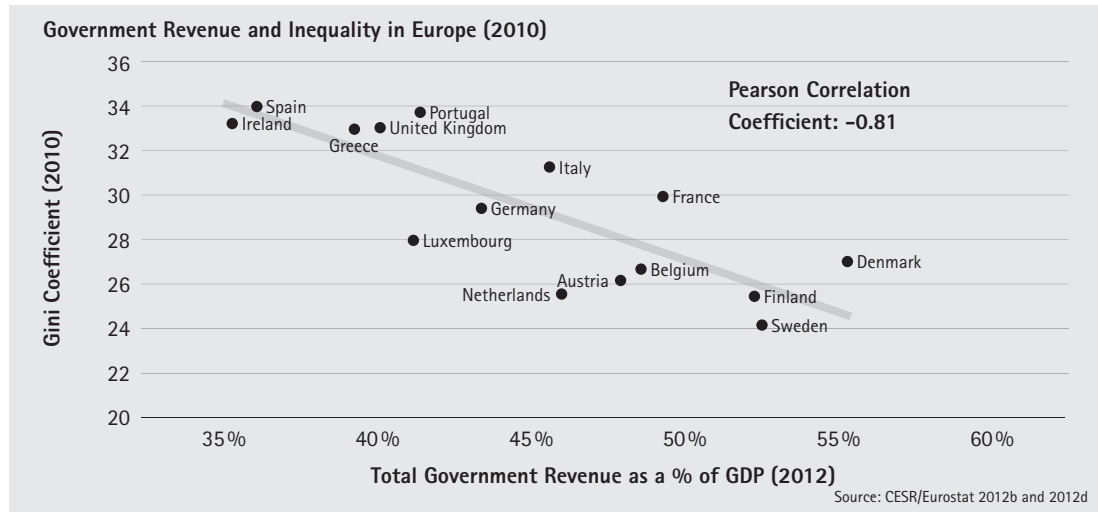
He compared Spain to the Greek case study saying there had been more socio-economic inequality since the beginning of the austerity programme. The top 20 per cent are less affected by the austerity measures in both countries, and the cost of the crisis has been born by the poor. Health, social security and overseas development (40 per cent) are all victims of cuts. Public spending has also affected school drop-out rates.

It was a myth that Spain had been a profligate public spender, he said. In fact, Spain, Portugal and Greece had been some of the lowest payers on social spending. He argued that in contrast to spending cuts there had been limited focus on the taxation side of Spain's fiscal problems: Spain still has low income taxes. The increases in VAT affect poorer households more than richer ones. Measures to tackle the shadow economy (tax evasion) have been lukewarm. 72 per cent of tax evasion occurred among out by large companies and rich families. A graph showed that a 10 per cent reduc-

Households with Heavy Financial Burden Due to Housing Costs in the EU-15 (2010)



Source: CESR/Eurostat 2012



tion in tax evasion could have saved a lot of social expenditure from cuts. There is a clear correlation between the tax base and the Gini coefficient (a measure of inequality), he said.

Others had also concluded similar to Ignacio's group, that austerity can cause 'disproportionate harm'. They said human rights should be taken into account when fiscal austerity measures are agreed upon. This is a vindication of what civil society in Spain has been calling for.

He concluded that the fallacy that there was no alternative to austerity should be exposed, and that there was a need to ensure that human rights are part of the consideration when imposing austerity measures.

The NHRI perspective



Francisco Fernández Marugán, First Deputy at Defensor del Pueblo in Spain, said the Conference should discuss the problem of poverty, and also make suggestions about what should be done in the EU. The South was not a geographical concept, it was now a social concept he said.

Again, he emphasised the consequences that austerity measures had had on inequalities. It needed to be emphasised that the current distribution of incomes in Spain was unfair, he said. In 2007, the situation had been better. The consequences of unemployment in Spain could now be seen across all sectors, he said. Some Spanish people were very badly paid. There were households where no member was in gainful employment. He repeated the point that there were many people in Spain who could not pay mortgages.

There are important challenges in the labour market in Spain. Between 1978 and 2008 there was a period of social progress and economic expansion in Spain, and incomes doubled. The Spanish thought they would live well for a long time. Now we witnessed the problem of a fair income distribution, as in the rest of Europe, he said, but in Spain, the government did not have the ability to respond to the situation.

He said that the social situation was unacceptable for many groups within the population. There could be a social rupture in Spanish society. At the same time, some people were marginalised and the middle class was poorer.

There was an impact of the economic crisis on those in work as well, he said. Spanish workers used to have a positive outlook. They now wonder 'when this nightmare would be over'. SMEs and family-owned companies both want more flexibility. People across the EU have different ideas about the solution for the current crisis, but the Spanish people now seek answers.

His final point was that life in Spain is now precarious. In sociological terms, people cannot use what he called the 'normal systems'. The crisis was an emotional shock

for families in Spain, both for the middle class and for conventional working families. Fear is a problem. Many grandparents are afraid of retiring. There is also fear about the value of getting an education.

This austerity was brutal, he said. People were excluded. They wondered what was going to happen. This aspect of the problem was not well defined or well measured. The Spanish population is going to be faced with difficult times, he concluded.

Case Study: Ireland

Chaired by Professor Alan Miller

Ignacio Saiz, Executive Director of the Center for Economic and Social Rights in the US, also discussed the situation in Ireland.



The 2011 study on Ireland from 2011 predates the work on Spain. The CESR have no base in Ireland so they worked with organisations in Ireland (e.g. Amnesty International in Ireland). It was important to set up a 'human rights analysis' of the crisis response measures, he said. He looked at the causes of the crisis in Ireland, the consequences and the responses.

The causes: There was a weakness in Ireland's economic model. Views of the causes were a matter of political ideology. They included reckless lending, and a lack of bank transparency. Ireland's low tax base encouraged foreign investment. Ireland was not well regulated which made it poorly prepared for the crash.

The consequences: Quoting the Nobel Prize-winning economist Joseph Stiglitz, he argues that socialising bank debts was a transfer of wealth from the poor to the rich. The effects on Ireland were painfully familiar from the other case studies. Wealth inequality had increased in Ireland, he said. The ratio of the wealth of

the richest to the poorest had gone right up within a year. One in five Irish people had neither a medical card nor health insurance.

The responses: Health spending was even further cut, although the levels of coverage had been very low already. In housing, the asylum seekers' allowance and social protection were also cut. Tax rates, on the other hand, remained unchanged. VAT (a notably regressive tax) was hiked up to 23 per cent. Ireland was already a low tax economy (even lower than Spain). Tax evasion may now account for 8 billion euro in Ireland, he said.

Human rights bodies in Ireland have been hit by austerity, including the Irish Human Rights Commission and the Consultative Committee on Racism. Some human rights are not considered enforceable. The troika and other institutions play a direct role in Ireland, and the states involved in the troika have a responsibility for human rights in Ireland.

The CESR has a 10 point, human rights-based, response. This includes, for example, a human rights impact assessment for austerity plans:

1. Conduct HR impact assessment of recovery plans as basis for their revision
2. Adopt National Action Plan on human rights
3. Incorporate international HR standards domestically
4. Introduce progressive, non-discriminatory tax and budget reforms
5. Strengthen social protection measures for those at risk
6. Ensure independence/funding of the new HREC
7. Set up independent statutory body to address poverty
8. Adopt new targets for social housing and ensure funding
9. Ensure more accountable/transparent financial regulation
10. Creditor countries/institutions to comply with ETOs

NHRI perspective

Des Hogan, Acting Chief Executive of the Irish Human Rights Commission, circulated a paper, and gave a talk responding to some of the points raised during the Conference. He also responded to the CESR's paper 'Mauled by the Celtic tiger: Human Rights in Ireland's Economic Meltdown.'



NHRIs did not always engage with NGOs, he said. He did not take issue with the report on Ireland. He summarised his own paper. Ireland would be out of its agreement with the troika at the end of 2013. There could be a generation of people who have only experienced austerity budgets. Ireland has escaped some of the effects that have happened in Greece, as the young have followed the traditional Irish 'escape valve' by going to find work in places like Canada, Australia and England.

It was difficult to put human rights into law even when there was not a crisis, he said. How would you measure these things, he asked. How could you challenge these decisions? There was a need for more precision, and a commitment from states that they would have human rights impact assessments, he said.

He felt the rapidity of the general economic regression in Ireland over the recent years, and the likely government budgets in years to come, meant that the Irish state had little freedom to act in the ways suggested by the Conference even if it wished to.

He went to say that there was some hope that governments would listen. For example governments could agree not to pass retrogressive legislation, and they could create a 'non-discrimination onus' for future legislation. This would be a powerful legal test. He continued saying that a look from the macro to the micro helped to understand the indirect effect of the cuts. For example, cuts on speech and language therapists could affect peoples' abilities to swallow.

Ireland had received money from the troika, and there had never been a human rights assessment of its policies, he said. National governments felt like developing states rather than developed states. Once a country had entered, it took on 'conditionalities'.

In 2013, Ireland had passed an act that was a precursor for the privatisation of the water supply, he said. The timing of this legislation was the result of the troika. To get water, consumers needed a fixed address so there are obvious problems. Anyone who was not a customer (for example, the Roma or someone from the traveller community) had no relationship with the water provider. This situation had been a 'deliberate, concrete and targeted' effect of the 2010 financial agreement, Hogan said.

Ireland was moving from 'shrinking state to shrunken state,' he said. Irish welfare systems had historically followed a charity model, where independent organisations were funded by the state. For example, in education, governments could therefore say, 'if you have a problem, blame the school, not us.' Privatisation meant that funding to support groups had been targeted, he said. These groups did not want to bite the hand that fed them and they had suffered.

He felt that decisions underpinning these impacts on life in Ireland were made 'upstream' – in the WTO, the IMF and the World Bank. These came out of a financial tradition, with a different agenda from the UN human rights organisations. These two sectors should work together. States had no choice, but the IMF and troika should be in the room with the states. The IMF and the troika are bound by the UN charter, he said. Rights to health food and water are all there. Human rights campaigners are not going to get anywhere with the state unless they look upstream, otherwise there will simply continue to be conferences. Where was the ECB in these discussions, he asked.

He discussed the role of NHRIs in times of crisis. They could monitor the targeting of minority groups. Food poverty affects cuts to disability groups, he said. Governments had obligations under international law. There was a growing caucus of international law, so that supranational legislatures and judiciaries were becoming involved in human rights.

The 10 points from the Center for Economic and Social Rights committee referred to earlier in the Conference by Ignacio Saiz were good but they did not go far enough, he said.

Some commentators, he continued, had said that whereas UNICEF, UNESCO and the CESCR were UN agencies created in order to give meaning to the UDHR (the Universal Declaration on Human Rights), the IMF, the World Bank and (later) the WTO were agencies established to protect the 'rights' of banks and corporations in developing countries.

He felt that a commitment by states coming before the Committee of ESCR to introduce human rights assessments could 'put teeth' into what is meant by 'deliberate, concrete and targeted' steps toward the realisation of ESC rights.

International human rights, he said, was a growing corpus of law and states disliked being called to account by the European Court of Human Rights and UN Committees. Human Rights organisations need a forum to address the downstream effect of decisions from the IFIs (International Financial Institutions), he said. Institutions were fading and being undercut. People had nowhere to turn. We would see rises of extremist groups and anti-European projects, he concluded.

Infobox: Value Added Tax (VAT)

1. VAT is regressive

w – wage, C – Consumption Expenses, t – VAT, in Ireland: 23 per cent

$$w = C \cdot (1 + t);$$

If time is excluded from equation, wage equals consumption plus consumption taxes (savings and debts are not considered in this niveau of abstraction). An increase in t will lead to a decline in C for any given w .

(Dividing both sides of the equation illustrates the decline of the real income: $\frac{w}{(1+t)}$)

Since relatively poor households consume a higher share of their income, the distributional effect of higher VAT is regressive and hits poorer households more strongly.

2. VAT decreases real income and amounts to an exemption from capital gains tax

By using a two period model with $C = c_1 + c_2$ it can be shown that income from capital is not taxed by VAT.

r – interest rate, s – savings today, rs – capital income, c_1 – consume expenses today

c_2 – consume expenses in future, $R = 1 + r$, T_{VAT} – revenue from VAT, T_{IT} – revenue from income tax

The wage today equals consumption and savings in period 1. Whereas the consumption expenses in period 2 are made up of what was saved in Period 1 plus the income from capital:

$$c_1 + s = w \quad \text{and} \quad c_2 = Rs$$

Formula ③ shows the revenues in taxes for VAT and Income Tax:

$$T_{VAT} = tc_1 + t \frac{c_2}{R}; \quad \text{and} \quad T_{IT} = tw + t \frac{rs}{R};$$

Substituting elements in ③ with ② delivers:

$$T_{VAT} = tc_1 + t \frac{c_2}{R} \Rightarrow T_{VAT} = tc_1 + t_s \quad \text{and} \quad T_{IT} = tc_1 + ts + t \frac{rs}{R}$$

VAT excludes capital income from taxation, whereas Income Tax does tax income from capital with $t \frac{rs}{R}$.

As shown above, the VAT reduces only earnings: wages, property rent, clear profits (after subtraction of all calculative costs) and inheritance, but not income from capital (see Homburg, Allgemeine Steuerlehre, Vahlen 2005)

Human Rights Violations as Social Costs of Austerity Measures

Interview by Deniz Utlu



Berlin, 12 June 2013 – A conversation between the UN Independent Expert, Cephias Lumina, and the Chair of the Greek National Commission for Human Rights, Konstantinos Papaioannou. They discussed the crisis in Greece as a part of a European pattern, the destruction of social cohesion and community solidarity as parallel processes, the role of the troika, the global economic system and possible solutions.

Dr. Cephias Lumina visited Greece in April 2013 to prepare a UN Country Report that will be presented in 2014. In his talk during the two events on austerity in Berlin and Brussels he reported that there are several human rights violations due to austerity measures in Greece. Konstantinos Papaioannou confirmed the observations of Dr. Lumina. The day he arrived in Berlin to join this event on austerity and human rights,

the Greek government shut down the entire Greek public broadcasting network and fired all of its staff under the guise of cutting expenditure in order to reduce the public debt. Deniz Utlu, researcher at the German Institute for Human Rights, spoke with the experts.

Dr. Lumina, Mr. Papaioannou, have you witnessed any changes that could ease the situation in Greece?

Lumina: The one thing that I noticed very visibly, for example in the community clinics, is that there is increasingly a sense of social cohesion among the communities. People are getting together – professionals, like doctors and nurses, are offering their time to help those who are more vulnerable. To a certain extent, I think, community cohesion helps to mitigate the impact of the crisis. It is not a cure, though.

Papaioannou: There are two contradictory processes happening at the same time. One, deep within the society, as Dr Lumina said, strengthening the networks of solidarity and community spirit. However, at the same time, in more general terms, you have a destruction of social cohesion. You have professional groups going against each other. From time to time the media targets one particular professional group, saying that they have been earning money for so many years, now we have to get them out of the public sector. In response, large parts of the society start to actively oppose them. And then next month it will be another group. In the long run it is not easy to say which process will be stronger, cohesion or destruction. I am not an optimist.

What is the role of the troika within those two contradictory processes where social cohesion helps mitigating impacts of the crisis and demagoguery leads to animosity between different groups of society?

Papaioannou: I don't think that they are dealing with that issue. It is outside their interests and their mandate. But I think they intensify the anger and fear within the society. Even the procedure – the long visits of the troika every three to six months, the requirement that the government issues new austerity measures within ten days, and then the subsequent review to

decide whether additional assistance will be given – results in a society that is getting used to reacting like an animal in a laboratory which is having experiments done to it. And then after three years of the programme, one of the troika members gets out and says 'it was wrong' or 'we didn't have the results that we expected'. However, I think the mentality in the society is now 'anti-anything' – xenophobic, and against European and international Institutions. There are huge amounts of insecurity, and the extreme right is capitalising on them. It is very easy for them to have different scenarios of conspiracies against the country, i.e. you have growing anti-Semitism in Greece now. By the way, I am not saying that the troika is choosing to do so, but nevertheless these are the effects of their intervention.

Lumina: Also, we have to look at the troika from a perspective of accountability. The Greek government finds itself in a situation where its accountability to its citizens has been eroded severely. This is a challenge for democracy and the rule of law – not only in Greece, but also elsewhere, where you have these kinds of interventions.

How can fiscal policy be modelled on a human rights basis?

Lumina: When governments are negotiating with international partners, they must not forget that their primary responsibility is to their citizens. And one of those primary responsibilities is to ensure the welfare of the population. What is happening now is that governments are placed in a situation where they are ignoring their responsibilities towards the citizens and giving priority to the demands of international creditors. So when these governments are negotiating these particular packages, they should bear in mind their primary responsibilities to their citizens. They should make sure that the policies that they make put their people at the centre – and not profit.

What makes you think that they put profit at the centre?

Lumina: The money which is going into Greece at the moment to reduce the country's debt is actually immediately going out to the country's creditors. Sixty per cent of the debt is to outsiders (foreign debt) so that the money that is coming in is immediately going out. The key issue is to make sure that the discussions around austerity and around privatisation do not ignore the primary human rights responsibility of countries that are implementing those measures.

Could you give an example?

Lumina: We are speaking about a situation where some of the measures affect pension reduction, etc., and one of the key partners in the Greek programme is the European Union. The EU says that from 2014 onwards, it is going to reduce the budget for social protection for people that are very poor within the European Union. At the same time, countries like Germany have been arguing that social protection should not be a priority in these rescue packages, because it is a national responsibility. So you see the contradictions here. You have a key institution that subscribes to and is pushing through this particular agenda, forcing a government that does not have the capacity without outside help to implement things that help the poor.

Papaioannou: The EU is taking part in the troika that is setting out the programme for Greece. At the same time there are European treaty bodies and European institutions, such as the European Committee for Social Rights, saying that measures carried out in the name of this programme violate European law.

Let me come back to the idea that fiscal policy should put people at its centre. We have expenditure cuts in health care that of course have a negative impact on sick people and on women, both as a violation of their right to health, to rest and leisure, since it is mostly women who must make up for the health care cuts by unpaid work. The Government reduced pensions, which has a negative impact on elderly people. Interestingly, while there are cuts in the care system with severe human rights impacts as their consequence, other sectors stay untouched. The Greek military budget – twice the German military budget as a share of GDP – was not reduced.

Papaioannou: It has been reduced, but it is funny to see how some European countries are trying to make sure that the reductions don't affect their sales to Greece. So you have some major European partners – it's obvious who they are – that are trying to make sure that they can continue to sell weapons to Greece, regardless of the austerity programme.

Let's talk a little more about the interests of other European countries and the relationship of those interests with the situation in Greece. Greece, due to its geographic position, has a specific role in European border policies. While there are austerity measures to reduce the public debt, there is a lot of expenditure in Greece on border controls. How do we deal with that contradiction from a human rights perspective?

Lumina: It shows you what the priorities of the EU as a bloc are. The issue of the porous borders of Greece

is something that it is interested in because it has implications for the whole EU migration policy. There is alacrity to deal with that particular issue, but not so much alacrity to deal with what follows the austerity measures that have been forced upon the Greek people. My own view is that you must find an appropriate balance. I mention this because in the discussions I had with the Greek government, even with the Greek ambassador in Geneva before embarking on my mission, the issue of migration came up all the time. But there is not so much of a focus on what the consequences and the social costs of the austerity programme are.

In your report you say that the public debt even rose after these policies were implemented. In light of that, it doesn't seem that the challenge is to find a balance between human rights issues and finance issues. From an economic perspective we can say that a quasi-forced privatisation can lead to inappropriate pricing, meaning that the government has to sell real estate and state-owned companies for less than their value. So those measures at least partially have negative impacts not only on human rights, but also on the country's economic system – they are good for foreign creditors though. I mention this because I am not so sure if the talk of balance is so helpful here.

Lumina: These are policies that have a whole history of failure. If you look at privatisation, does it make sense to ordinary people to sell the Lottery of Greece, which is a highly profitable enterprise? By doing so you are basically reducing the revenue base.

Papaioannou: There is a lack of common sense. You are selling the most valuable things in the house and things that are going to get you money tomorrow, just to get one tenth of their future income today.

Since Germany and France were very much involved in the decisions about specific austerity measures, what would be the expectation of the Greek NHRI of, say, its German counterpart?

Papaioannou: Three things. First, we have to find the elements that show that crisis and austerity have a European dimension, and show that Greece, Spain, or Ireland are not individual cases, but that there is a European pattern. Second, we have to discuss how we can identify the human rights dimension. Third, we have to discuss how solidarity can be shown with human rights defenders in the south.

Are there expectations that you, as the NHRI from Greece, have of Germany in terms of business and human rights given that German corporations such as Siemens, Ferrostal-MAN, and Deutsche Bahn are sus-

pected to be partly responsible for a "slush money economy" in Greece, even if the link between corruption and human rights is mostly indirect?

Papaioannou: Maybe there is a lot of promotional human rights work that can be done, even on what the costs of that corruption can be on human rights.

Lumina: For me, what is happening in Greece and elsewhere offers us an opportunity to rethink how the whole global economy works. The genesis of the crisis is the private sector, and we always think that the private sector has the solutions. This idea of putting too much faith in the private sector is misguided. The private sector needs to be regulated. This is why I and some colleagues have been calling for a reform of the international taxation system for some years now. We need to make sure that financial intermediaries such as banks are properly regulated. We have to reduce opportunities for people to put money in tax heavens etc. We have to tackle those things that led to crisis instead of rescuing those who have lent money in a very irresponsible way.

Thank you very much.



Austerity Policy and National Human Rights Institutions

By Des Hogan

The incorporation or non-incorporation of human rights laws and principles into the policies of intergovernmental bodies demands greater scrutiny by UN supervisory committees and by Special Procedures alike. Lately, the Special Procedures in particular have been linking economic policies to human rights impacts and placing greater scrutiny on the design of those policies. What is needed now is to take one further step back and to scrutinise the upstream design of the agreements which govern the policy framework.

To date, I have not addressed the role of the EU or ECB in the troika but as with the EU's foreign policies, the space for protection of human rights and equality in the Union where it has competency and exercises power is still unclear some three years after the Lisbon Treaty and the introduction of the Charter into all our law. Furthermore, it cannot be gainsaid that the apparent imposition of fiscal policies in EU recipient states at the apparent behest of the ECB in circumstances where no EU (as opposed to Council of Europe) organ save perhaps the Fundamental Rights Agency is addressing the human rights impacts of those policies is leading to a view of the EU which, put politely, is different from the largely benign view that was there previously.

One of the frustrations with the EU is that there is no EU NHRI which national institutions can turn to in order to gain understanding or purchase of EU fiscal policies. The Charter of Fundamental Rights may have been propounded in the Lisbon Treaty but for many NHRIs its usefulness in domestic work is limited.

So what – if any – roles do NHRIs have? In a response to the economic crisis a number of NHRIs are now placing an increasing focus on the impact of austerity measures on minority populations. This is because of the very real impact of budgetary decisions on persons at risk of discrimination on the basis of their identity.

Economic measures which may appear neutral on their face are not, we know, neutral in their effect. Thus even if there is no intention to discriminate, minority populations do tend to suffer disproportionately in recessions. An across the board tax – for example Valued Added Tax – will take the same amount of budget from rich and poor alike but its impact on households experiencing food poverty will be higher than on middle-income families. If that household is also experiencing cuts in disability supports for a dependant child or in maternity benefit for a lone mother or a cut off point for social benefits where there are unemployed migrants, the effects can become pernicious. This is why human rights law places positive obligations on States to identify at-risk groups and to formulate economic and other policies to take into account their vulnerabilities and to mitigate the impact of governmental decisions. States can do this by implementing the principles of non-discrimination, equality, transparency, participation and accountability taking into account in particular the needs of at-risk groups.

The problem is that these positive obligations are not supported by domestic law. NHRIs can make recommendations to government but ultimately it is government that decides. NHRIs can support individuals taking legal challenges or intervene in those challenges, but ultimately it is domestic law which will be the arbiter of the challenge. NHRIs can seek to educate and train the public servants formulating policies and taking discretionary decisions, but take-up of training may be limited where there is no duty on the public servant to do so while implementation of best practice is predicated upon good will and enlightened civil service management.

All is not lost, however. International human rights legislation is a growing corpus of law and its influence is increasing. States dislike being called to account by the European Court of Human Rights, UN Committees,

Special Procedures, or by the Human Rights Council during their UPR. Voluntary commitments to legal obligations may seem to be a contradiction but are gaining ground. Reform of the UN treaty body system may yet streamline and deepen this protection but only if it does not replicate the generality of UPR reviews. Thus the executive's interaction is changing but so too is the legislature's. Parliamentarians now more frequently interact with the European Parliament and Parliamentary Assembly of the Council of Europe. They also understand human rights principles more fully. Judiciaries are also more aware of human rights, particularly the Convention and, as much as any institution, fear the consequences of themselves violating individual rights, be it through judicial delay or a violation of fair trial rights. Perhaps it awaits the European Court of Human Rights to pronounce on positive social and economic rights duties on all organs of state, including the judiciary under Article 13 ECHR when read in conjunction with other provisions of the Convention.

At the UN level, the trilogy, to borrow an expression of the respect, protect, fulfil obligations can shape the concept of positive obligations into something more tangible. So for housing rights, we can look beyond evictions as representing a negative intrusion on rights and speak more of the state's obligations under Article 11 ICESR (International Covenant on Economic, Social and Cultural Rights) to ensure public housing for those in need is habitable (having adequate space and protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors), is accessible to those entitled to it (including in particular disadvantaged groups) and is in an adequate location (which allows access to employment options, health-care services, schools, child-care centres and other social facilities). These self-evident criteria for good public housing are also human rights which people are entitled to enjoy.

Applying the 'respect' criterion, we can see that States must refrain from denying or limiting equal access to Covenant rights. If we take the right to health under Article 12 under the 'respect' criterion, the acts of public or private entities may render the State in violation of the right where those entities for example adopt 'any retrogressive measures incompatible with the core obligations under the right to health'. The only response of the State to such an on-going violation by the acts of private entities I would suggest is through clear "control" measures.

The duty to 'protect' criterion in healthcare requires States to adopt a framework comprising legislation and other measures to, inter alia, prevent third parties or private companies from depriving people of equal access to health care or services and 'control' their activities. The duty to 'fulfil' criterion requires States parties, inter alia, to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of constitutional or legislative doctrines including "the adoption of a national health policy with a detailed plan for realizing the right to health".

Applying the trilogy to the positive measures required by States to ensure economic and social rights, NHRIs can act as the bridge between the international and domestic systems. But they need assistance. Supervision and enforcement of the rights in ICESCR is poor. Poor because of the manner in which States interpret their obligations and remain wedded to a rights doctrine premised on non-interference with individual rights rather than a wider conception of the individual's relationship with her or his community and the state. This wider conception is really no more than a human rights doctrine of society. A society where rights are held by all and where responsibility is assigned to the state and its actors, be they public or private when performing public action and where in return both citizens and non-citizens participate through engagement (democratic voting cycles) and compulsion (taxation, community involvements, duty to my neighbour) but also consultation, transparency, accountability and other processes. Here we step beyond the linear lines of the legislature, executive and judicial spheres to avoid the tyrannies of the majority, we sidestep, though acknowledge, those separation of powers doctrines which determine and dictate institutional responses. Rather, we recognise and incorporate the universality, indivisibility and inherency of human rights and the rule of law as dimensions without which societies fade.

NHRIs with their domestic and international human rights mandates, their bridge to the UN and Council of Europe and their institutional links to the executive, legislature, judiciary, and as importantly, to civil society and the community, have the ability to name, identify, analyse and recommend that which may otherwise go unreviewed. However, if NHRIs are to match their success in the realm of some civil, political and social rights to ESC rights generally, they need greater clarity and precision from UN treaty bodies and greater attention to the role of supranational bodies, be they the EU or the international financial institutions.



If there is neither forum nor framework within which we can address conditionality in bailout agreements and their down-stream impacts on human rights, we will face similar problems of credibility in the lending institutions and the bodies they represent as beset the WTO where its Dispute Settlement Body was limited in its ability to account for the social impact of trade policies coming before it; a lack of credibility strong in developing States and which has slowed the Doha Development Round since 2001. Arguably one of the reasons why the Arab Spring has not brought the social benefits hoped for was that the institutions of State in those countries were too weak to allow for human rights to truly deepen. Institutions are not immutable but must be supported. So whereas in countries which

have seen political or economic crises we should rightly ask why national institutions did not prevent aspects of the crisis (whether a failure of economic regulation etc.), we should also seek answers to these questions when looking at intergovernmental organisations where their decision-making or omissions have deliberate, concrete and targeted downstream impacts¹.

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¹ The full-length version of Des Hogan's paper can be found here:
www.ihrc.ie/download/pdf/address_by_des_hogan_at_nhri_austerity_seminar13_june_2013_brussels.pdf
(Retrieved on 5 February, 2014)

Crisis, Inequality, Poverty and Exclusion

By Francisco Fernández Marugán

The Crisis

Spain currently finds itself at a critical economic crossroads, the result of pressure exerted on the country by world markets, which has in turn uncovered a great number of the shortcomings plaguing the country's economic system.

There are numerous factors that have led to a situation as complicated as the current one. This report starts by indicating two of them; it should be kept in mind that the order of their appearance herein in no way indicates a hierarchy in terms of importance.

The first factor is the lack of an even minimally coordinated diagnosis among the different agents, political organizations and institutions that acted to shape and also – if necessary – to modify, the results of economic policy. To this end, one of the impediments that we have encountered, in seeking a way out of this critical situation, is a lack of consensus in determining the seriousness of the problems with which we are faced. And, as a result, in the rather unusual occasions in which a consensus is reached, there is often a certain level of uncertainty. This has made it impossible to generate a shared discussion which would yield solutions acceptable to all.

This attitude existed from the beginning, in addition to the aggravating factor involving not only the characteristic absence of a common narrative, but also the fact whereby this lack of clarity extended to the identification of those tasks that would be necessary in order to effectively correct and prevail over a situation that, in addition to being complex, was also rapidly expanding, varied and changing (Maluquer de Motes).

In 2008, it was generally believed that the foundations of the Spanish economy were perfectly healthy and it was even declared loudly and boldly that Spain enjoyed a comparative advantage over the other Member

States. It would quickly become clear that there was such no comparative advantage.

It would take a while before there would be a clear diagnosis of the situation as well as an acceptance of existing structural weakness. When the existing problems were finally acknowledged, the errors in Spain's economic policy were manifest. Both of these problems led to areas of mistrust developing. Without going into too much detail about this aspect, it should be noted that it is not always admitted that this crisis does not display many characteristics of a one-time event; that it is not solely due to a cyclical evolution of economic activity; rather, it is the source of certain political costs that affect social cohesion and the Spanish citizens' appraisal of their political system's capacity to find solutions to the problems affecting them.

It is due to the above that we currently find ourselves faced with a series of facts that define the general sense of well-being among a part of the Spanish population: the markets are not functioning, the political system does not correct its faults, and not only this, but its relative powerlessness when faced with such problems has been exposed to the light of public knowledge. As if this was not enough, the debate as to who will have to bear the greatest sacrifices when the time comes to go down the path leading out of from the current crisis has only just begun. The existence of an unfair economic system and an ineffective political system multiplies the lack of confidence plaguing the Spanish population (J. Estefanía, F. Steinberg and F. Vallespín).

And while the shortcomings in terms of diagnosis were evident from the very beginning, it was only recently that it became abundantly clear that this, consciously, set aside our successful historical experience with the procurement of three-party agreements, aimed at ensuring a reasonable distribution of costs. It is said that parliamentary majorities have already been

defined, and that these majorities are charged with the task of determining the direction of the economic policy to be applied. The economic and social situation in Spain does not justify such foolishness. We have taken much too long – and continue to do so – to reach agreements in order to effectively deal with the problems encountered in Spain and in Europe.

There is a desire to fully implement strict austerity plans without providing for political and social dialogue. And yet, it would certainly seem that there is no lack of matters on which agreement has yet to be achieved. (...)

It is hardly a matter of debate that adjustments under this programme yield negative distributive effects. Many more people suffer losses than benefits and these people are also on the lowest levels of the income pyramid. Those who benefit are fewer in number. Since what we are witnessing is an increasingly unequal distribution of income and wealth, economic policies to distribute the sacrifices in a way that is inversely proportionate to income and wealth should be applied.

The disadvantages that arise when these processes become entangled will be made evident time and again in this report. In Spain, as with other countries on the periphery of Europe, a transfer of income and power from the lower and middle sectors of society towards the higher echelons is taking place.

In our case, we will not be able to move forward without there being a culture with a greater focus on dialogue, negotiation and agreements. To support these political choices, it is essential to introduce solid redistributive policies. This does not always take place as it should, as stated in the Global Risks Report (2012), presented in Davos, where it was said that allowing the current levels of inequality to proliferate could essentially be sowing the “seeds of a dystopia” by cultivating an inherently undesirable society.(...)

Consequences

In the EU, in the wake of a long 5-year period of crisis, economic policy has not offered tangible results in terms of growth and employment. A growth strategy to reactivate the economy is therefore urgently needed.

In countries such as Greece, Ireland, Portugal, Italy and Spain, the social costs of adjustment have been exceptionally high. As such, we are seeing a reaction that is

increasingly at odds with the very concept of 'Europe', as these societies link their current problems to European policies.

The political and economic situations in these countries, riddled with difficulties, are teaching us that savings programmes alone will not be enough to overcome the crisis. Quite the contrary, there is the risk that national economies will find themselves strangled, almost completely, by strict austerity policies (Delors and Schröder).

These countries need help at the same time that they need a shared project that would function to hold the different existing interests together. This shared vision existed in the past, albeit arising in the wake of dramatic events. And yet there is no reason that it would have to be like this again – it is not necessary to wait for the current situations to become chronic in order to do something.

The crisis is like a giant wave in the sense that when it recedes it allows us to see the risks that were hidden under the high tide. In particular, we witness the spectacular inequality that had been developing. This inequality is corrosive, causing the new illness of the XXI century (A. Costas). If it continues to grow unabated, there will be a violent shock, and in order to prevent such growth, we should address two complex challenges.

In the short term, the problems of unemployment and growth need to be addressed. We are lacking a major programme to take on the problem of youth unemployment at the European level. And yet, what is really needed is more than just a programme to muddle through the current situation. A solution whereby we once again resort to the veritable spectacles that were produced when Merkel undertook to adopt all decisions and Sarkozy gave the press conferences to present them would be futile.

What is needed is a political project, yet this has not yet come about. There is neither a general European interest in this, nor a shared project to support it, while the redistributive capacity of democracy is increasingly weaker. Nor are there democratic institutions in place to formulate and defend such a project.

These shortcomings mean that the political decision-making processes respond more to elite financial interests than their own.

The rebalancing of economic policy is a very important consideration, given that all countries do not find themselves in an identical situation. There are countries recording a surplus in their balances of payments, such that they should act to stimulate their internal demand, thus creating the possibility for other countries to, by increasing their exports, reduce trade imbalances.

A more significant economic expansion throughout the zone and higher inflation in the European core areas is necessary.

A less strict monetary policy, accompanied by non-conventional policies, assumes the aforementioned. This is also something very different from what we are currently witnessing. To be clear, austerity measures in the periphery do not need to be reinforced by austerity in the European core areas.

In our case, it is necessary to overcome the financial restrictions plaguing Spanish businesses as soon as possible, given that if this does not occur, growth will never be initiated. Without financing, there is no growth, and without growth, there will be no possibility for activity to increase.

Our societies need to understand that in Spain no contracts are being drawn up because there is no production; there is no production because there are no sales and there are no sales because many citizens are afraid of spending money.

This diabolical situation must be stopped. In order for this to happen, we urgently need to pay attention to those mechanisms that provide business credit – particularly to small and medium-sized businesses – so that these do not drown before we see a generalized recuperation. There are many SMEs that are suffering due to the lack of demand and a lack of financing (Serrano Sanz and García Delgado).

Also as regards expenditure and income, qualitative modifications will be necessary. The priorities in terms of expenditure are to lend support to I + D + i policies, and also to support developments in science and technology. Moreover, spending on education, as well as on health and social services must be made a priority because they allow for an improved distribution of wealth, filtering it more directly to those weaker social groups where inequalities are largely found.

In this sense, the one variable that contributes to improving (decreasing) social segmentation is education. In order for this effort to be successful, it would not be wise to strengthen certain programmes in this field (scholarships and other types of support) given that many families are encountering such major difficulties. This public service is not prominent among minority groups, given that, among many other objectives, it is largely dedicated to technological training of the European labour force.

The capacity for the distribution of income, while taking on increasing inequalities must be improved. In our case, the circumstances involving deficits that are appearing are numerous. In the foregoing pages, the crisis was presented as a social phenomenon possessing potent transformative effects that, on many occasions, had an impact on numerous families, making them less well off than in the past.

'Frontier homes' are appearing, located on the border of poverty, where significant reductions in available income are being acutely felt, spurred on by the spectacular increase in unemployment among the main breadwinners of these homes.

The devaluation of salaries, moreover, has been accompanied by a notable differentiation in incomes, which is resulting in incomes not being sufficient to maintain living standards similar to those that families previously enjoyed during the period leading up to the crisis.

Those parties that find themselves on the borderline with poverty, moreover, are deeply in debt. Among them, there are those that share this precarious situation with other persons and other homes. Already largely familiar with the circumstances, they are now experiencing a situation worse than their own.

The reduced capacity of the Spanish taxation system and of the mechanisms charged with administering redistribution programmes is proving incapable of preventing the situation from worsening. The persistence of the crisis is so painful that its associated problems are becoming embedded and chronic. This is preventing the Spanish from living with a reasonable degree of economic self-sufficiency and many find themselves in precarious situations. More than half of all youth are out of employment and live on salaries and subsidies that do not allow them to enjoy a decent standard of living.



In areas already affected by the situation of poverty, we are seeing many families who, due to the crisis as well as the cut-backs, have been left with minimum holdings.

The economic crisis is having an enormous impact on children. Lack of work among parents, evictions, the worsening quality of nutrition, a lack of resources to pay for medical treatments and the scarcity of social benefits have resulted in a deterioration of the family environment that is having a very significant impact on children.

Among last-resort social resources (shelters and soup kitchens) a situation is occurring whereby the individual family is not considered as the focal point of attention in order to prevent poverty from effectively destroying it.

Instead, there is an increasingly intense fear among families that youth services could deprive them of the custody or guardianship of their children.

The loss of the family's home is a critical event that involves the rapid deterioration of the given family's general situation. We have dedicated particular attention to this phenomenon.

It has been previously observed herein that those groups now forming the borderline with poverty are greatly increasing in number. We would now like to discuss certain other groups whose situation has been deteriorating in time, together with that of the aforementioned group, effectively creating a new form of poverty.

Poverty, until the start of the crisis, was limited to persons having a brief or non-existing work history and

to very isolated persons, lacking a social or even an emotional network, oftentimes with untreated mental addictions or illnesses, not to mention unstructured families.

The crisis has left part of the middle class in poverty, as well as a large number of well-established workers. We are seeing that many persons who were previously found in areas characterized by social integration are slowly being drawn toward areas close to social exclusion.

Unemployment and job insecurity have created insolvency given that Spaniards are frequently unable to pay their debts and, on many occasions, end up losing their homes. At the present moment we have to say that we have had enough of the synergistic phenomenon of precarious jobs or unemployment combined with the existence of mortgage debts, lending to the clear risk of social exclusion and marginalization¹.

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¹ The full-length, Spanish version of Francisco Fernández Marugán's paper can be found here: www.eapn.es/ARCHIVO/documentos/recursos/1/CRISIS_DESIGUALDAD_POBREZA.pdf (Retrieved on 5 February, 2014)

The Impact of European Austerity Policies on the Realisation of Economic, Social and Cultural Rights

Summary by David Poyser

Brussels (13 June 2013) and Berlin (12 June 2013)

The Conferences in Brussels and Berlin agreed that the austerity measures in Europe were in opposition to conventions on human rights, and that legal opposition should be encouraged.

Konstantinos Papaioannou, Chair of the Greek Human Rights Commission, reported that the troika themselves now believe the extreme austerity in the first phase of the crisis in Greece was an error. Professor Beate Rudolf, Director of the German Institute for Human Rights, said in her closing remarks in Berlin that governments were bound to honour the major Human Rights Conventions regardless of the prevailing economic situation. In her view, economic circumstances could not legitimise the violation of human rights.

In both Berlin and in Brussels, reports were presented on the situation in three different countries facing austerity measures. Though the overall economic situation is very different in Ireland, Greece and Spain, the effect of the austerity packages is similar in all three countries. The most vulnerable groups in society (such as women, immigrants and children) are more affected by human rights violations than the more privileged sections of society. In Greece and Spain, unemployment amounts to 27 per cent (youth unemployment is even higher in both countries, in Greece, for example, it is 55 per cent). In all three countries, citizens felt that 'Europe' was not helping them.

While many speakers feared civil unrest across the EU in the future, Greece has already experienced 150 incidents of documented racist violence. In Ireland, where banks had been a major factor in the crisis, one speaker quoted the American Nobel Prize winning economist Joseph Stiglitz, who said that 'socialising bank debts' was a transfer from the poor to the rich. In Spain, up to half the population are paying too much of their annual income simply on housing. There is a

widespread sense of 'fear' there. People are scared to retire, for example, as they do not feel secure about their future. In most western societies, the young have traditionally put a high value on educational attainment. A sense of insecurity is affecting the mindset of some of the young in Spain who feel that educational achievement is pointless as it will not lead to long term benefit. Speakers said this general sense of fear in Spain is generally unquantifiable.

In Greece and in Ireland the middle classes are leaving the country. This is continuing a historic emigration pattern as a response to severe economic crisis in both countries, for example the Irish famine in the nineteenth century led to massive emigration to the United States. Anti-democratic forces are particularly strong in Greece, but speakers said the current situation could lead to extremism and radicalisation among young people across Europe. Citizens in all three countries felt their national governments were powerless. There was a perception that austerity measures had been imposed rather than agreed on.

Michael Windfuhr, Deputy Director of the German Institute for Human Rights, asked why the Greek Government did not suggest to exclude, for example, health from the cuts as Brazil did. Konstantinos Papaioannou, Chair of the Greek National Commission for Human Rights, said that political parties in Greece had been opposed to austerity before elections, and then gradually accepted the measures once they were in government. The most common phrase in Greek politics is 'where are our red lines?' Even though there have been efforts to say 'no', most have failed in a dramatic way. Governments do not have the power, he said.

The exception to the general view expressed by the speakers was Thomas Silberhorn, Spokesman on European and foreign affairs, defence, development cooperation, human rights and humanitarian aid for the group of CSU parliamentarians in the German Bundestag and Spokesman of the CDU/CSU parliamentary

group on the German Bundestag's Committee on legal Affairs at the discussion in Berlin. He first referred to the drama of the original situation, as Greece was insolvent at the time and had insufficient access to capital on the markets. Given the situation, Silberhorn argued that it was essential to initiate substantial reforms. He was open to the idea that undue social hardship and human rights violations should be avoided, however he stressed that there was no alternative to austerity. In contrast, all the speakers in Brussels felt there were alternatives to austerity measures, and none felt that this was an appropriate forum to 'blame' the countries experiencing hardship.

The Chair of the European Network of National Human Rights Institutions (ENNHRI), Professor Alan Miller, who chaired sessions at both Conferences, pointed out that Spain, Greece and Ireland are not the only countries affected by austerity. We knew what had gone wrong, he said, but the 'next stage' was to agree on steps to be taken to get it right. National Human Rights Organisations have themselves been very badly hit by the crisis.

Many at the conferences believed that the 'next stage' was for progressive organisations to use legal channels to make governments and international organisations understand that despite their outward commitment to human rights, their economic policies were inconsistent with these agreements. They pointed out that both governments and international organisations were breaking their human rights commitments by, for example, making some of their cuts retrogressive. Stefan Clauwaert, from the European Trade Union Institute, a Brussels-based trade union research think tank, said it was a policy shift that was needed rather than a review. He believed that in the past some EU Institutions had not listened to their own member organisations. He added that some suffered from what he called 'austerity autism'. Progressive organisations should be saying 'see you in court' to these Institutions, he felt.

Dr. Cephas Lumina, the UN independent expert on the effects of international financial obligations on the full enjoyment of all human rights, pointed to legal successes in negotiating austerity measures outside the three case histories. He said there was a need for lawmakers to have impact assessments to forecast the effect of their proposals on human rights.

Ignacio Saiz, Executive Director of the Center for Economic and Social Rights in the US, echoed the point that changes made in health policy have been retro-

gressive which can be opposed to agreements of human rights. He added that international financial institutions should also be reformed. Progressive economists and lawyers had to work on this in order to show the connection between economic policies and human rights in theory and practice. He called for an interdisciplinary approach, as quantitative data and causality were currently weak areas for the human rights community. He said one could triangulate, firstly by looking at evidence of outcomes, secondly by having the right sort of policies (for example the amount of affordable housing stock), and finally by having the resources. For example, human rights organisations could not simply argue that increasing poverty levels were general evidence of state violation of human rights. However, he argued, if they made it clear that the effect of policies would affect citizens' rights to housing, then human rights organisations could successfully use this argument against governments implementing austerity programmes that had negative impacts on human rights.

Delegates talked about pursuing the legal case at a national level, at a Council of Europe level, within the EU Institutions (the European Commission, the European Court of Justice and the ECB), and finally with the UN. At a national level, there could be difficulties opposing the legality of government actions. Many believed that their national governments no longer had the power to make financial policy. Also, governments were inconsistent – they sometimes 'work against themselves' as one department does not follow the same policies as another. Housing was frequently mentioned as a 'concrete' example of a human right that had been undermined as a result of the austerity measures.

Lauri Sivonen (adviser to the Commissioner for Human Rights at the Council of Europe) said that all rights were inter-related and inter-dependent, and although it could be easier to highlight one specific group (such as children or old people), organisations should look at the overall picture. They should also look at the long term as well as the short term, for example the effect of long term youth unemployment, he said. Michael Windfuhr asked whether the Human Rights Commissioner should discuss this issue directly with the ECB since the European Central Bank had been jointly responsible with the rest of the troika for imposing austerity. Sivonen replied that the nature of the European Convention on Human Rights would mean that European governments would act together.

The European Commission is now required to have impact assessments, Lauri Sivonen continued.

Paul Nemitz, Director of Fundamental Rights and European Citizenship at the European Commission, chairs the inter-service group on Fundamental Rights in the European Commission. He pointed out that the EU has its own Charter on Fundamental Rights. The EU is in the process of acceding to the European Convention of Human Rights. This will make the EU the only international organization subject to an external judicial Human rights review, in this case through the European Court of Human Rights.

Citizens have the possibility to take member states before their national courts whenever they do not comply with EU law and the Charter of Fundamental rights. Member States have to follow the rule of law. The Commission is the guardian of EU law, the Charter Rights and the rule of law. The Commission believes in 'the community of law' and the rule of law in Europe. It wants a rule-based approach, not a power-based approach. The Commission can take member states to court if they do not comply with EU law, and it has a track record of doing this successfully. The Commission wanted to learn from the people at the Conference. When NGOs and NHRIs give the Commission facts which demonstrate that Member States are not properly implementing or applying EU law, including Fundamental rights, the Commission will look at these facts and where justified to use them in infringement procedures. In fine, the Commission can use such facts to take Member States to the European Court of Justice to ensure proper implementation and good application of EU law. On hate crime, this may become relevant by the end of 2014. He wanted to 'cooperate' on this.

It is also foreseen that impact assessments for new legislation include the assessment of impacts on fundamental rights; these reports are public.

Whenever there is a judgment from the European Court of Justice annulling acts of EU institutions due to a lack of respect for fundamental rights, he can go to the other Directorates General of the Commission and highlight the significance of respecting fundamental rights for the continuing work of the Commission. Nemitz reminded his audience that as a political body, the European Commission reacted to public opinion and political pressure. It can work together with NGOs to create arguments on Fundamental Rights. He regretted that the joint representation of positions of NGOs on fundamental rights to EU institutions was

still in its infancy. In any democracy, it is necessary to monitor the executive and the legislature as to compliance with Fundamental rights, he said.

Papaioannou said the troika had been in Greece for three years. The Greek government had changed frequently during this time as governments get 'burnt out'. There had been no evaluation of the austerity packages, he said. 'There is no alternative' was a religious belief among the troika, he felt, and they did not want to have a discussion about whether there was a need for austerity. The German election in the autumn may affect the troika. The general outlook was getting better, Papaioannou said, as there was a growing realisation amongst the organisations that initially insisted on austerity that the results of their policies were not what they had anticipated.

Many hoped the UN human rights organisations would help. Des Hogan, Acting Chief Executive of the Irish Human Rights Commission, said that people recognised that the UN committee system was overburdened, and that it was currently reorganised. NHRIs engage with civil society, and then they participate in UN expert groupings using their knowledge. NHRIs are involved with the UN Special Procedure on extreme poverty. They were a link between national and international, he said. The ETUI said the ILO (International Labour Organisation) should be involved. The ILO staff were, in his view, perhaps too polite with the IMF. He felt the troika should listen to the ILO.

Michael Windfuhr said the Conference could not solve the problems, but the idea behind the Conference was to look at the arguments. It had also considered the judicial route. He called for a European level response, combining all the actors that attended the Conference to work together with the Commission, the NGOs, and the trade unions. He called for using the European human rights systems more effectively.

At the end of the event in Brussels, Alan Miller thanked the German HRI for starting the process and said that austerity was a test for everyone who attended the Conference and for many beyond the room as well.



Demand for human rights benchmarking

The day before, at the event in Berlin, Volker Beck, who is the leading Parliamentary Secretary for the ALLIANCE 90/THE GREENS parliamentary group and member of the Greens' party council and human rights spokesman for the parliamentary group, said that the euro crisis laid bare the "design flaw of the monetary union". He said that a monetary union without a common fiscal policy, a common budgetary policy and a common social policy with minimum standards would not work in the long run. The austerity programmes had already encountered "social boundaries" in some European countries.

Michael David, the Vice-Speaker of the National Poverty Conference Germany and European Anti-Poverty Network Germany, criticised shortcomings in social redistribution. While measures of "emergency assistance and charity" – such as food banks for poor people – would release the state from its obligations, "that does not help people to alleviate poverty" he said.

Dr. Cephas Lumina warned that accountability within the EU must be carried out in a European way. There is no panacea that would be equally effective for everyone. It was important in the first instance not to seek profit. Instead, people should be the centre of attention and policy makers should develop a form of benchmarking for human rights considerations. Civil society should complete this task with the relevant players from government, business and international organisations.

Beate Rudolf, Director of the German Institute for Human Rights, summarised the evening in Berlin arguing, in her final comments, that the debate on austerity measures should be substantiated by human rights. The general aim was to create awareness among the public that austerity measures were also negotiated agreements. Nevertheless, human rights remained binding in times of crisis, she felt, because they are not subject to availability of funds. There is no "financing emergency clause" in the treaties. Binding human rights mean that political decisions should be reviewed for their impact on human rights. This offers a creative potential for policy, she said. People only have the potential to be economically active and contribute to getting their countries to overcome the crisis when they have guaranteed human rights. When their human rights are safeguarded, the most vulnerable of society can take initiatives and pro-actively participate in the political debate.

Hosting Organisations

European Network of NHRIs

The European Network of National Human Rights Institutions (ENNHRI) brings together 40 NHRIs from across wider Europe. NHRIs are state funded bodies which are independent of government and have a broad mandate to promote and protect human rights. In order to ensure that such bodies are independent, pluralistic and effective, they are accredited according to their compliance with the UN Paris Principles. Globally, all NHRIs form an International Coordinating Committee (ICC), supported by the UN Office of the High Commissioner for Human Rights (OHCHR). ENNHRI is the largest and most diverse of the four regional groups under the ICC.

ENNHRI works to enhance the promotion and protection of human rights across wider Europe, including:

- supporting the establishment and accreditation of Paris Principles compliant NHRIs;
- information exchange, capacity building and the spreading of best practice;
- engagement with international human rights mechanisms, including the Council of Europe; OSCE-ODIHR; the EU Institutions and FRA; and UN bodies;
- interventions in policy development and strategic litigation at a European level; and
- work on priority thematic areas, such as disability; asylum and migration; business and human rights; gender; and human rights in times of economic crisis.

ENNHRI recently opened a Permanent Secretariat in Brussels.

The German Institute for Human Rights

As an independent national human rights institution the German Institute for Human Rights is an institution of civil society. It was established as an independent association on 8 March, 2001, after the German Federal Parliament (Deutscher Bundestag) had, on 7th December, 2000, taken the unanimous decision to set up a German Institute for Human Rights. The decision itself was the result of several years of deliberations and discussions at various levels of society. The Institute is based on the "Paris Principles" for National Human Rights Institutions adopted by the United Nations in 1993. The Institute aims to promote and protect human rights by pursuing the following activities: information, documentation, applied research, human rights education, advising representatives of politics and society in general, participation in relevant debates, as well as cooperation at the national and international level.



Annexe

Speakers

Volker Beck, leading Parliamentary Secretary for the ALLIANCE 90/THE GREENS parliamentary group, member of the Greens' party council and human rights spokesman for the parliamentary group

Stefan Clauwaert, Senior Researcher, European Trade Union Institute, Belgium

Michael David, Vice-Speaker, National Poverty Conference Germany / European Anti-Poverty Network Germany

Des Hogan, Acting Chief Executive, Irish Human Rights Commission, Ireland

Cephas Lumina, UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, South Africa

Francisco Fernández Marugán, First Deputy, Defensor del Pueblo, Spain

Alan Miller, Chair of the European Network of NHRIs and the Scottish Human Rights Commission, Scotland

Paul Nemitz, Director of Fundamental Rights and European Citizenship at the European Commission, Belgium

Konstantinos Papaioannou, Chair, Greek National Commission for Human Rights, Greece

Beate Rudolf, Director, German Institute for Human Rights, Germany

Ignacio Saiz, Executive Director, Center for Economic and Social Rights, USA

Gesine Schwan, President, HUMBOLDT-VIADRINA School of Governance, Germany

Thomas Silberhorn, Spokesman on European and foreign affairs, defence, development cooperation, human rights and humanitarian aid for the group of CSU parliamentarians in the German Bundestag and Spokesman of the CDU/CSU parliamentary group on the German Bundestag's Committee on legal Affairs, Germany

Lauri Sivonen, Advisor to the European Commissioner for Human Rights, Belgium

Michael Windfuhr, Deputy Director, German Institute for Human Rights, Germany

Sparpolitik in Europa auf dem Prüfstand – Bleiben die sozialen Rechte auf der Strecke?

„Es gibt Alternativen zu
rigider Austerität“

Cephas Lumina,
UN-Experte für Auslandsschulden
und Menschenrechte

„Krise in Griechenland – Nun lebt auch die Bildungsschicht auf der Straße“, „Aus Protest gegen die Sparpolitik der Regierung sind in Spanien Professoren, Lehrer, Studenten und Schüler landesweit in den Streik getreten“, „Irland saniert auf Kosten des Aufschwungs“ – so lauten die Schlagzeilen zur Finanzkrise in Europa.

Nicht nur Griechenland, Spanien und Irland sehen sich strikten Sparmaßnahmen ausgesetzt. Die Finanzkrise hat auch in anderen EU-Ländern zu empfindlichen Haushaltskürzungen mit weitreichenden sozialen Auswirkungen geführt. Ziel der Veranstaltung ist es, die Situation in drei Ländern zu beleuchten und anhand dieser Beispiele die Auswirkungen der Sparmaßnahmen auf die Verwirklichung wirtschaftlicher, sozialer und kultureller Rechte zu analysieren. Die Podiumsdiskussion wirft abschließend auch einen Blick auf die Situation in Deutschland.

Anmeldung und Information

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Online-Anmeldung bis zum 7. Juni 2013

<http://www.institut-fuer-menschenrechte.de/index.php?id=2248>

Veranstaltungsort

HUMBOLDT-VIADRINA School of Governance

Wilhelmstraße 67, 10117 Berlin

Informationen zur Anfahrt

<http://www.humboldt-viadrina.org/service/impressum/>

Hinweise

Der Veranstaltungsort ist rollstuhlgerecht.



Können wir Sie noch weiter unterstützen?

Dann teilen Sie uns dies bitte bis zum **7. Juni 2013** mit.



HUMBOLDT-VIADRINA
School of Governance

Europäisches Netzwerk
der Nationalen
Menschenrechtsinstitutionen



Deutsches Institut
für Menschenrechte

debate.
INTERNATIONAL

Mittwoch, 12. Juni 2013
18:00 Uhr

HUMBOLDT-VIADRINA
School of Governance, Berlin

Einladung

Sparpolitik in Europa
auf dem Prüfstand –
Bleiben die sozialen Rechte
auf der Strecke?

Programm

Mittwoch, 12. Juni 2013
18:00 Uhr
HUMBOLDT-VIADRINA
School of Governance
Wilhelmstraße 67
10117 Berlin

Simultanübersetzung
Deutsch/Englisch/Spanisch

18:00 Uhr Begrüßung und Einführung
Michael Windfuhr, Stellvertretender Direktor, Deutsches Institut für Menschenrechte

Warum befassen sich nationale Menschenrechtsinstitutionen (NMRI) in Europa mit Sparpolitik?

PANEL 1

- 18:05 Uhr Einfluss staatlicher Sparmaßnahmen auf die Verwirklichung der Menschenrechte
Moderation: Prof. Dr. Gesine Schwan, Präsidentin, HUMBOLDT-VIADRINA School of Governance
- 18:10 Uhr Blick nach Griechenland
Bestandsaufnahme: Bericht über die Ländermission Griechenland (April 2013)
Dr. Cephas Lumina, Unabhängiger Experte der Vereinten Nationen zu Auswirkungen der Auslandsverschuldung und anderer internationaler finanzieller Verpflichtungen von Staaten auf Menschenrechte und insbesondere wirtschaftliche, soziale und kulturelle Rechte, Südafrika
NMRI-Perspektive:
Konstantinos Papaioannou, Vorsitzender, Greek National Commission for Human Rights
- 18:50 Uhr Blick nach Spanien
Bestandsaufnahme: Parallelbericht zu Spanien und die Beratungen im UN-Sozialpaktausschuss
Ignacio Saiz, Geschäftsführender Direktor, Center for Economic and Social Rights, USA
NMRI-Perspektive:
Francisco Fernández Marugán, Erster Stellvertreter, Defensor del Pueblo, Spanien
- 19:30 Uhr Blick nach Irland
Bestandsaufnahme: Bericht zu Irland
Ignacio Saiz, Geschäftsführender Direktor, Center for Economic and Social Rights, USA
NMRI-Perspektive:
Des Hogan, Geschäftsführender Direktor, Irish Human Rights Commission

PANEL 2

- 20:00 Uhr Sparpolitik in Europa auf dem Prüfstand
Moderation: Alan Miller, Vorsitzender des Europäischen Netzwerks der Nationalen Menschenrechtsinstitutionen; Vorsitzender, Scottish Human Rights Commission

Volker Beck, Sprecher für Menschenrechtspolitik, Bundestagsfraktion Bündnis 90/Die Grünen
Michael David, Stellvertretender Sprecher Nationale Armutskonferenz
Konstantinos Papaioannou, Vorsitzender, Greek National Commission for Human Rights
Ignacio Saiz, Geschäftsführender Direktor, Center for Economic, Social and Cultural Rights
N.N., CDU/CSU-Fraktion des Deutschen Bundestages
- 20:45 Uhr Résumé
Prof. Dr. Beate Rudolf, Direktorin, Deutsches Institut für Menschenrechte
- 21:00 Uhr Empfang bei Wein und Brezeln

Austerity and Human Rights in Europe

„There are viable alternatives to rigid austerity.“

Cephas Lumina,
UN-Independent Expert on foreign debt
and human rights

The European financial crisis has required affected EU Member States to introduce economic austerity measures in order to combat fiscal deficits. As a result, substantial budget cuts have been designed in these countries with far-reaching social impacts.

This event is organised to shed light on three different country situations, namely Greece, Spain and Ireland. It will analyse the impact of policy changes introduced as a result of austerity measures on the realisation of economic, social and cultural rights in these countries. Part of that analysis involves seeking to understand whether austerity measures limit a state's policy choices and ability to implement its human rights obligations in times of economic constraints. The event will also discuss the extent to which current austerity measures need to be adjusted in order for states to meet their international human rights obligations.

Venue

Permanent Secretariat
European Network
of National Human Rights Institutions
Salle Breughel, 37 rue de Ligne
B-1000 Brussels, Belgium

Online-Registration

<http://www.institut-fuer-menschenrechte.de/index.php?id=2250>

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European Network
of National Human Rights Institutions

 Deutsches Institut
für Menschenrechte

debatte.
INTERNATIONAL

13 June 2013
10:30am – 1:30pm
European Network of
National Human Rights
Institutions, Brussels

Invitation

Austerity and Human Rights in Europe

The impact of European austerity policies
on the realisation of economic, social and
cultural rights

The event is organised by the European Network of National Human Rights Institutions (NHRIs), which brings together 40 NHRIs from throughout Europe. The European Network of NHRIs has recently opened a Secretariat office in Brussels. This will be the first public event of the European Network of NHRIs in Brussels.

Programme

13 June 2013
10.30 to 13.30
(followed by small lunch)

10:30 Welcome and introductory remarks
Prof. Alan Miller, Chair of the European Network of NHRIs and the Scottish Human Rights Commission

Why austerity policies are an issue for NHRIs in Europe?

PART 1

10:40 Impact of austerity measures on the realization of human rights
Chair: **Prof. Alan Miller**

Country Example A

Greece – country mission report (April 2013)

Dr. Cephias Lumina, UN-Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, South Africa

NHRI Perspective:

Konstantinos Papaioannou, Chairman, Greek National Commission for Human Rights

11:10 Country Example B

Spain – parallel reporting with respect to Spain and Discussion in the UN Committee on ESC-Rights

Ignacio Saiz, Executive Director, Center for Economic and Social Rights, USA

NHRI Perspective:

Francisco Fernández Marugán, First Deputy, Defensor del Pueblo, Spain

11:40 Country Example C

Ireland – report on Ireland

Ignacio Saiz, Executive Director, Center for Economic and Social Rights, USA

NHRI Perspective:

Des Hogan, Acting Chief Executive, Irish Human Rights Commission

12:10 Discussion

PART 2

12:40 European austerity policies in light of ESC-rights obligations – do we need a policy review?

Chair: **Michael Windfuhr**, Deputy Director, German Institute for Human Rights

Stefan Clauwaert, Senior Researcher, European Trade Union Institute

Konstantinos Papaioannou, Chairman, Greek National Commission for Human Rights

Ignacio Saiz, Executive Director, Center for Economic and Social Rights

Lauri Sivonen, Advisor to the European Commissioner for Human Rights

Conclusions

13:15 **Prof. Alan Miller**

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